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able classifications of persons and impose restrictions upon them. For instance, aliens as a class may be prohibited from entering the liquor business. *Trageser v. Gray*, 73 Md. 250. But the classification must bear some reasonable relation to the evil which it is sought to prevent, and it is doubtful if alien anarchistic propaganda is more dangerous than that of citizens. At any rate, it is for the legislature and not for the court to adopt the classification. It is entirely possible that the defendant in the principal case deserved the punishment he received, but the reasoning by which the court disposed of the case is questionable, to say the least.

CONSTITUTIONAL LAW—INCOME TAX ON SALARIES OF FEDERAL JUDGES.—Plaintiff, a United States district judge, paid an income tax under the provision of Sec. 213 of the Income Tax Act, on his judicial salary, under protest, and sued the deputy collector for the return of the tax. The United States Constitution, Art. 3, Sec. 1, provides that compensation of judges of the supreme and inferior courts "shall not be diminished during their continuance in office." *Held*, such a tax violates this constitutional provision. (Holmes and Brandeis, JJ., dissenting.) *Evans v. Gore*, 253 U. S. 245.

In reversing the federal court, 262 Fed. 550, the majority opinion points out that the purpose of this provision is to prevent the legislative department from influencing in any way the judiciary, and says that the public interest demands that the judge be kept even above the suspicion of outside influence. The tax does give the legislature power indirectly over the judicial department, and hence is invalid. The Sixteenth Amendment does not extend the taxing power to new or excepted subjects, but merely removes all occasion otherwise existing for an apportionment among the states of taxes laid on income, whether derived from one source or another, and hence does not extend to federal judges nor permit Congress to impose an income tax on them. Justice Holmes in his dissenting opinion reasons that the case is not within the scope of the provision, as the tax is laid on all persons having such amounts of income, and that at all events the Sixteenth Amendment gave such power to tax. The decision of the district court was commented upon favorably in 18 MICH. L. REV. 697. See also *Note*, 11 A. L. R. 532, 19 MICH. L. REV. 117; 34 HARV. L. REV. 70. The court in declaring that the judiciary must be, like Caesar's wife, "above suspicion," go a long way in their interpretation of the purpose and intent behind the constitutional provision, and unduly anticipate the alarming dangers which they so eloquently picture. The purpose of the provision is to protect the independence of the judiciary. Does the law give the legislature power to injure the judge without likewise injuring every other person in the same classification regarding income? It would seem not. Have the judges or any one of them been put into a class whereby the legislature may tyrannize over them? Not as yet, and if the time should come when such was attempted the judiciary will undoubtedly have the opportunity to say that such a classification is unreasonable and an arbitrary discrimination. Certainly, it requires quite a stretch of the imagination to conjure up the spectre of legislative discrimination which was so real to the Supreme Court.